

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

TIJUE ADOLPHUS MCGHEE,

Plaintiff,

v.

R. JAIME-DAUMY, et al.,

Defendants.

Case No. [20-cv-05135-HSG](#)

**ORDER DENYING REQUEST FOR  
TRANSCRIPTS; DENYING REQUEST  
TO FILE AMENDED COMPLAINT;  
DENYING REQUEST FOR LEAVE TO  
PROCEED *IN FORMA PAUPERIS***

Re: Dkt. Nos. 32, 33

On or about July 27, 2020, Plaintiff filed this *pro se* action pursuant to 42 U.S.C. § 1983 against San Quentin State Prison (“SQSP”) officers Jaime-Daumy and Wren for violating his rights under the First, Sixth and Fourteenth Amendment when they read his legal mail on June 23, 2019. Dkt. Nos. 1, 8. On March 22, 2021, the Court dismissed this action for failure to prosecute. Dkt. No. 16. Nearly two years later, on February 2, 2023, Plaintiff filed a request to set aside the judgment pursuant to Fed. R. Civ. P. 60(b) and reopen this action. Dkt. No. 24. On February 7, 2023, the Court denied the request, finding that Plaintiff had not established “injury and circumstances beyond his control that prevented him” from prosecuting this case, as required to warrant setting aside a judgment under Fed. R. Civ. P. 60(b) and reopening an action. *See generally* Dkt. No. 25.

Plaintiff has now filed the following: a request for “the transcripts relative to Case No. 4:20-cv-05135 HSG which is needed for the court to decide an issue related to [his] appeal,” Dkt. No. 29; a letter alleging that, in or about February 12, 2023, prison officials interfered with his attempt to file an *in forma pauperis* application, Dkt. No. 31; an amended complaint, Dkt. No. 32; and a request for leave to proceed *in forma pauperis*, Dkt. No. 33.


Plaintiff’s request for transcripts (Dkt. No. 29) is DENIED as moot because there were no

1 transcripts generated in this case, as there were no court hearings held in this case and there is also  
2 no appeal pending in this case. Plaintiff's request to file an amended complaint and for *in forma*  
3 *pauperis* status are DENIED as moot as this case is closed. Dkt. Nos. 32, 33. Any motion seeking  
4 reconsideration of the Court's order denying Plaintiff's request to reopen this action must identify  
5 injury and circumstances beyond Plaintiff's control that prevented him from prosecuting this case  
6 between August 11, 2020 and February 2, 2023. This case remains closed.

7 This order terminates Dkt. Nos. 29, 32, 33.

8 **IT IS SO ORDERED.**

9 Dated: 5/2/2023

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11 HAYWOOD S. GILLIAM, JR.  
12 United States District Judge  
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